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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 VIVIAN FIORI ARIZA, and ROGGIE
20 TRUJILLO,

21 Plaintiffs,

22 v.

23 DELL INC., et al.,

24 Defendants.

Case No. 09 CV 01518 JW

**STIPULATION TO RESCHEDULE DATE
FOR SUBMISSION OF PRELIMINARY
APPROVAL MOTION; [PROPOSED]
ORDER**

CLASS ACTION

Assigned to the Honorable Judge James Ware,
Courtroom 8

Action filed April 7, 2009

1 WHEREAS, in their Stipulation to Stay Case, filed April 12, 2010, the parties requested
2 that the Court vacate all pending briefing deadlines and hearing dates and stay this case for 60
3 days to facilitate mediation;

4 WHEREAS, in their Stipulation to Extend Stay of Case, filed June 10, 2010, the parties
5 requested that the stay of this case be extended for a period of 33 days, until July 15, 2010, at
6 which time the parties would advise the Court of the status of settlement discussions and request a
7 further stay, if appropriate;

8 WHEREAS, in a Joint Status Report filed July 15, 2010, the parties informed the Court
9 that they had reached a settlement in principle to resolve this case;

10 WHEREAS, on September 15, 2010, the Court entered an Order Vacating Preliminary
11 Pretrial Conference and Setting Hearing for Preliminary Approval of Class Settlement;

12 WHEREAS, in its September 15, 2010 Order the Court set October 18, 2010 at 9:00 a.m
13 as the hearing date for Preliminary Approval of Class Settlement, and further Ordered the parties
14 to file their Joint Motion for Preliminary Approval and all supporting documents on October 4,
15 2010;

16 WHEREAS, on September 24, 2010, the parties stipulated, subject to Court approval, that
17 the hearing date for Preliminary Approval of Class Settlement be set for October 25, 2010, and
18 that the Joint Motion for Preliminary Approval and all supporting documents be filed on October
19 11, 2010;

20 WHEREAS, on September 28, 2010, the Court entered an Order, pursuant to the
21 September 24, 2010 stipulation, setting the hearing for preliminary approval of class settlement
22 for October 25, 2010, at 9:00 a.m., and directing the parties to file the Joint Motion for
23 Preliminary Approval and supporting documents on October 11, 2010;

24 WHEREAS, on October 7, 2010, the parties notified the Court that they had resumed

1 discussions with the mediator, Anthony Piazza, in order to resolve certain issues regarding the
2 proposed settlement but were hopeful that the outstanding issues would be resolved and the
3 approval papers could be filed by November 1, 2010;

4 WHEREAS, on October 8, 2010, the Court entered an Order, pursuant to the October 7,
5 2010 stipulation, setting the hearing for preliminary approval of class settlement for November
6 22, 2010, at 9:00 a.m., and directing the parties to file the Joint Motion for Preliminary Approval
7 and supporting documents on November 1, 2010;

8 WHEREAS, the parties have made substantial progress in resolving outstanding issues
9 regarding the proposed settlement but have not reached a final settlement agreement;

10 WHEREAS, the parties anticipate that they will finalize the settlement agreement shortly,
11 but an additional week is needed to fully document the settlement and prepare and file the Joint
12 Motion for Preliminary Approval and supporting documents.

13 THEREFORE, the parties hereby stipulate, subject to Court approval, that the Joint
14 Motion for Preliminary Approval and all supporting documents shall be filed on November 8,
15 2010, and the hearing on the Motion for Preliminary Approval of Class Settlement shall be held,
16 as scheduled, on November 22, 2010.
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1 DATED this 28th day of October, 2010

Respectfully submitted,

2 **REEVES & BRIGHTWELL L.L.P.**

3
4 By /s/ Paul Schlaud

5 Paul Schlaud

6 Matthew H. Frederick

7 ATTORNEYS FOR DEFENDANTS DELL INC.,
8 DELL CATALOG SALES, L.P., DELL
9 PRODUCTS, L.P., DELL MARKETING L.P.,
DELL MARKETING L.P., LLC, DELL
MARKETING G.P., LLC, AND DELL USA L.P.

10 DATED this 28th day of October, 2010

RANDALL S. ROTHSCCHILD, A P.C.

11
12 By /s/ Randy Rothschild

13 Randy Rothschild

14 ATTORNEY FOR PLAINTIFFS VIVIAN FIORI
15 ARIZA and ROGGIE TRUJILLO

16 DATED this 28th day of October, 2010

ROBERTS RASPE & BLANTON, LLP

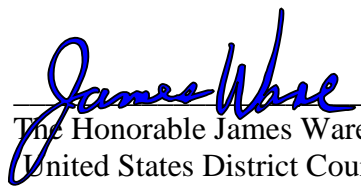
17
18 By /s/ Michael Blanton

19 Michael Blanton

20 ATTORNEYS FOR DEFENDANTS BANCTEC,
21 INC. AND WORLDWIDE TECHSERVICES, LLC

22 PURSUANT TO STIPULATION IT IS ORDERED THAT THE JOINT MOTION FOR
23 PRELIMINARY APPROVAL AND SUPPORTING DOCUMENTS SHALL BE FILED
24 NOVEMBER 8, 2010, AND THE HEARING FOR PRELIMINARY APPROVAL OF CLASS
SETTLEMENT WILL REMAIN SET, AS SCHEDULED, FOR NOVEMBER 22, 2010 AT 9:00
A.M.

25 DATED: November 2, 2010

26 
The Honorable James Ware

27 United States District Court Judge

FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Paul Schlaud, attest that concurrence in the filing of this document has been obtained from Randy Rothschild and Michael Blanton.

By: /s/Paul Schlaud
Paul Schlaud

PROOF OF SERVICE

I, the undersigned, declare that I am a resident of the State of Texas, over the age of eighteen years and not a party to the within action. My business address is Reeves & Brightwell, 221 W. 6th Street, Suite 1000, Austin, TX 78701.

On October 28, 2010, I served the following document:

**STIPULATION TO RESCHEDULE DATE FOR SUBMISSION OF
JOINT MOTION FOR PRELIMINARY APPROVAL;
[PROPOSED] ORDER**

X **ELECTRONIC FILING:** the within document, the automatically generated notification for which constitutes service pursuant to General Order 45, Section IX(A) and (B).

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Attorney for Defendants BancTec, Inc. and
QualxServ, LLC

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Attorney for Plaintiffs

 MAIL: by placing a true copy thereof, addressed as set forth below and enclosed in a sealed envelope with postage thereon fully prepaid and deposited for collection and mailing with the U.S. Postal Service pursuant to the ordinary business practice of this office.

 FACSIMILE TRANSMISSION: a true and correct copy transmitted via facsimile to each addressee listed below.

I declare under penalty of perjury under the laws of the State of Texas that the above is true and correct. Executed in Austin, Texas on October 28, 2010.

/s/ Paul Schlaud

Paul Schlaud